

### **REMARKS**

Applicants thank the Examiner for the Interview held on January 19, 2005.

Claims 1-18 are pending. By this amendment, claim 4, 11, and 16 are cancelled, claims 1, 6, 7, 13, and 18 are amended, and new claims 19, 20, and 21 are added. No new matter is introduced. Support for the amendments and new claims may be found at least at page 5, lines 18-22, page 6, lines 11-16, and page 6, line 25 to page 7, line 19 of the specification. Reconsideration and allowance of the claims in view of the above amendments and the remarks that follow are respectfully requested.

### **Claim Objections**

On page 2 the Office Action objected to claims 6 and 18 because of informalities. Claims 6 and 18 have been amended to correct the informalities. Withdrawal of the claim objection is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §102**

On page 2 the Office Action rejects claims 1-4, 7-11, and 13-16 under 35 U.S.C. §102(e) over U.S. Patent 6,625,773 to Boivie et al. (hereafter Boivie). This rejection is respectfully traversed.

Claims 4, 11, and 16 have been cancelled, rendering the rejection of claims 4, 11, and 16 moot.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic Research & Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

Boivie is directed to a method for reliable multicast communications in a packet-switched network system for small groups. The method determines a next hop for each of the destination nodes listed in the packet received, and partitions the destination nodes into groups according to the next hop determined for each destination node in the preceding step. Boivie's method then replicates the packet such that there is at least one copy of the packet for each of the next hops, and modifies the list of addresses for the destination nodes such that the list of addresses for each of the next hops includes only the addresses for the destination nodes to be routed in that next hop. However, Boivie's method does not indicate

how its protocol is encoded into IP packets. Specifically, Boivie's method does not embed in a header section a specially formatted IP options field. Furthermore, Boivie's method does not set a code byte within the IP options field to a specific value to indicate that the data packet is a DAMP data packet. These novel steps of encoding data packets are not disclosed by Boivie and are not obvious to one skilled in the art in view of Boivie.

In contrast to Boivie, amended claim 1 recites "wherein the embedding step further comprises: embedding in a header section of an internetworking protocol (IP) data packet a specially formatted IP options field; and setting a code byte within the IP options field to a specified value to indicate that the data packet is a DAMP data packet." These features are described at least at page 5, lines 18-22, page 6, lines 11-16, and page 6, line 25 to page 7, line 19 of the specification and in Figure 5-8. As noted above, Boivie does not disclose or suggest these specific novel steps of embedding in a data packet a list of multiple remote destination addresses. Therefore, amended claim 1 is allowable.

Claims 2-3 are allowable at least because they depend from allowable claim 1 and for the additional features they recite.

Regarding claim 7, for the same reason as noted above with respect to claim 1, Boivie does not disclose or suggest "wherein the data packets are internetworking protocol (IP) data packets and further comprise a header section containing a specially formatted IP options field, the IP options field comprising a code byte set to a specific value signifying that the data packet is a DAMP data packet," as recited in amended claim 7. Therefore, amended claim 9 is allowable.

Claims 8-10 are allowable at least because they depend from allowable claim 7 and for the additional features they recite.

Regarding claim 13, for the same reason as noted above with respect to claim 1, Liles does not disclose or suggest "wherein the embedding step further comprises: embedding in a header section of an internetworking protocol (IP) data packet a specially formatted IP options field; and setting a code byte within the IP options field to a specified value to indicate that the data packet is a DAMP data packet," as recited in amended claim 13. Therefore, amended claim 13 is allowable.

Claims 14-15 are allowable at least because they depend from allowable claim 13 and for the additional features they recite. Withdrawal of the rejection of claims 1-3, 7-10, and 13-15 under 35 U.S.C. §102 (e) is respectfully requested.

### Claim Rejections Under 35 U.S.C. §103

On page 4 the Office Action rejects claims 5-6, 12, and 17-18 under 35 U.S.C. § 103(a) over Boivie. This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and MPEP § 2142. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and MPEP § 2143.03.

Claims 5-6 are allowable at least because they depend from allowable claim 1 and for the additional features they recite.

With respect to claim 6, Applicants respectfully submit that Boivie does not disclose or suggest “creating one or more second data packet copies of the received first data packet; zeroing out each IP address in the list of selected multiple remote destinations that is not directly accessible beyond the network switch or router receiving the first data packet; and setting a destination IP address field in each second data packet to one of the non-zeroed IP addresses in the list of selected multiple remote destinations in the second data packet,” as recited in claim 6 (emphasis added).

The Office Action acknowledges that Boivie does not specifically teach zeroing out each IP address in the list of selected multiple remote destinations that is not directly accessible beyond the network switch or router receiving the first data packet. However, the Office Action asserts that “it is obvious to one of ordinary skill in the art that Boivie’s partitioning approach is in fact an alternative of zeroing approach because they are functionally equivalent and may serve as alternative to each other.” Applicants respectfully disagree. Boivie’s method partitions the set of destinations based on their next hops, which is very different from the zeroing out step recited in claim 6. (See column 2, lines 44-46 of Boivie). Therefore, claim 6 recites additional features.

Claim 12 is allowable at least because it depends from allowable claim 7 and for the additional features it recites.

Claims 17-18 are allowable at least because they depend from allowable claim 13 and for the additional features they recite. Withdrawal of the rejection of claims 5-6, 12, and 17-18 under 35 U.S.C. §103(a) is respectfully requested.


New claims 19-22 are allowable at least because they depend from their respective allowable independent claims and for the additional features they recite.

In view of the above remarks, Applicant' respectfully submit that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Date: **February 9, 2005**

  
\_\_\_\_\_  
Kelly T. Lee  
Registration No. 47,743  
**Andrews Kurth LLP**  
1701 Pennsylvania Ave, N.W.  
Suite 300  
Washington, DC 20006  
Tel. (202) 662-2736  
Fax (202) 662-2739